

Operation

Herne

Public Complaint

PC [REDACTED]

Operation Reuben

Mick Creedon

Chief Constable Derbyshire Constabulary

Operation Herne

Protective Marking

FOIA Exemption

Suitable for Publication Scheme

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~~Yes~~

No

14th February 2016

Public Complaint Investigation - Operation Reuben

Summary Allegation that the SDS, as part of the Metropolitan Police Service Special Branch, provided intelligence which featured on The Consulting Association's Construction Industry 'Blacklist'.

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Interested Parties

Interested Party:	Blacklist Support Group
Officer(s) Concerned:	N/A
Solicitors:	Christian Khan and partners Solicitors
Federation Representative:	N/A
Independent Police Complaints Commission:	'Local' Investigation

Investigation of a public complaint made by Christian Khan and partners Solicitors on behalf of The Blacklist Support



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1 Introduction

- 1.1 **Operation Herne** is the independent investigation led by Derbyshire's **Chief Constable, Mick Creedon QPM**, into the **Special Demonstration Squad (SDS)**. The SDS was a covert unit of the **Metropolitan Police Special Branch (MPSB)**. Operation Herne's terms of reference are to review the former SDS from its origin in 1968 to its closure in 2008, examining how it operated throughout its existence.

2 Operation Reuben

2.1 Operation Reuben was initiated following the receipt by the **Metropolitan Police Service (MPS)** of a public complaint made on behalf of the **Blacklist Support Group (BSG)** by **Christian Khan Solicitors (CKS)**. The BSG alleges that Police were complicit in supplying information about workers to blacklisting organisations. This personal information was then used to preclude these individuals from employment.

2.2 ~~THIS REPORT IS FOR THE COMMISSIONERS EYES ONLY.~~

Consideration needs to be given to the preparation of a public report on our findings utilising this report.

The CKS complaint is in the public domain. Operation Herne can provide a public version of this report which can be supplied to them. However, until this report is read and digested by the MPS, no such public report has been prepared and no communication has taken place with CKS around the result of this Operation Herne investigation.

It should be noted that CKS have not engaged with Operation Herne and refused to engage in meetings on the grounds that they do not believe that there will be a thorough investigation. (Please see paragraph 4.8)

3 What is a Blacklist?

3.1 A **Blacklist** is defined as a list or register of entities or people who, for one reason or another, are being denied a particular privilege, service, mobility, access or recognition; a list privately exchanged among employers, containing the names of persons to be barred from employment because of untrustworthiness or for holding opinions considered undesirable.

3

3.2 The first organisation known to have coordinated "**Blacklisting**" in the UK was the **Economic League (EL)**. Established in 1919 to protect Free Trade from the growth in popularity of Marxism/Communism at the time, their blacklist recorded those deemed to be left-wing troublemakers within the whole range of industry. The EL closed in 1993, after a series of scandals regarding the accuracy of its material and a parliamentary inquiry.

4

3.3 **The Consulting Association (TCA)** was established in 1993, following the fall of the EL, and focussed solely on the Construction Industry. Its records and managing director came from an EL branch called the **Services Group**, which covered the construction industry.

3.4 Both organisations worked as a central repository for information about individuals. These reports could be either gathered independently by EL or TCA, or provided by member companies. It was then shared with other members when vetting prospective job applicants. It is alleged that a derogatory record on the Blacklist would have precluded that individual from work with member companies.

3.5 TCA's blacklist grew to incorporate campaigners with no direct link to the industry, but who were deemed to pose a risk due to their beliefs and linked subversive activities, e.g. animal rights and environmental campaigners.

Appendix
Reference:

5

3.6 The **Information Commissioner's Office (ICO)** is the UK's regulatory body for Data Controllers. In 2009, (following allegations in **The Guardian Newspaper**) [REDACTED] a senior ICO investigator led a warrant on TCA premises under the **Data Protection Act 1998, (DPA)** where he seized the Blacklist along with some accompanying records.

6

3.7 Operation Reuben was provided with a full copy of TCA's Blacklist by the ICO, accompanied by the individual records for 19 people on the list described as being of particular interest regarding their provenance. The list contained 3,216 names, although some of these can be discounted as they appear to be repeated files due to administrative errors.

4 Allegations

See 2

- 4.1 The overarching allegation, submitted as a complaint through CKS is one of corruption, with police passing personal information to private blacklisting organisations which were then responsible for the restriction of employment of individuals. The initial complaint covers a range of organisations.

See 2

- 4.2 **Allegation:** Police, including Special Branches and the Security Services supplied information to the Blacklist funded by the country's major construction firms, The Consulting Association and/or other agencies in breach of the Data Protection Act 1998 (DPA).

Operation Herne finds that this allegation is 'Proven'.

7

- 4.3 **Allegation:** Intelligence collected by Special Demonstration Squad (SDS) undercover officer **Peter Francis**, referring to [REDACTED] and [REDACTED] appeared in the files of the blacklisting agency.

Operation Herne finds that this allegation is 'Not Proven'.

See 7

- 4.4 **Allegation:** SDS officers provided intelligence regarding the involvement of 3 individuals in **Youth Against Racism in Europe's Away Team, (YRE) (AT)** which appeared on The Consulting Association's Blacklist.

Operation Herne finds that this allegation is 'Not Proven'.

8

- 4.5 **Allegation:** ICO Senior Investigator [REDACTED] stated in **The Observer** on 03/03/2012: "the information was so specific and it contained in effect operational information that would not have formed anything other than a police record". (Appendix 9)

Operation Herne finds that this allegation is 'Not Proven'.

Appendix
Reference
9

- 4.6 **Allegation:** As a member of the **Building Workers Group, (BWG) Mark Cassidy / Jenner** collected information on individuals, which was then passed to The Consulting Association (Appendix 10).

Operation Herne finds that this allegation is 'Not Proven'.

10

- 4.7 **Operation Herne's (Operation Reuben's) core responsibility has been restricted to investigating a specific group within the MPS; namely the MPSB SDS. Although the investigation has crossed over to other departments and indeed forces at times, the focus remains the SDS.**

See 2

- 4.8 Repeated attempts were made to meet representatives from the BSG and CKS in order to further qualify some of these complaints and discuss the investigation. These requests were refused due to a reported lack of confidence in Operation Herne's independence and its appetite for a full investigation.

5 Terms Of Reference

1

- 5.1 The **Independent Police Complaints Commission (IPCC)** initially designated Operation Reuben to be a "supervised" investigation in February 2013. However, in May of that year, they altered their decision to render it a **local investigation**.

See 10

- 5.2 The original **Terms of Reference (ToR)** agreed with the IPCC were, to:

1. *Investigate allegations of collusion, corruption and misconduct in a public office.*
2. *Investigate breaches of the Data Protection Act and any other criminal or misconduct offences.*
3. *Prepare a written report on the findings of the investigation for the attention of the **IPCC Senior Investigator**, copied to the **Appropriate Authority (DCC or ACC)**. Prior to the finalisation of the report, the **Investigating Officer (IO)** will ensure that the IPCC is satisfied that the investigation has met the **Terms of Reference**.*
4. *Identify whether any person subject of the investigation, in the investigator's opinion, has a case to answer for misconduct, gross misconduct or no case to answer or whether any person's performance is, or is not, unsatisfactory. It is for the force to make determinations and recommendations with regard to disciplinary action. The IO to make recommendations on the culpability of any individual for any criminal liability and forward the report to the **Crown Prosecution Service (CPS)** where appropriate.*
5. *Consider and report on whether the complaint has merit as a quality of service complaint and therefore should be upheld as a legitimate grievance.*
6. *Consider and report on whether there is organisational learning, including:*
 - *whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;*
 - *whether the incident highlights any good practice that should be shared.*

Appendix
Reference
See 1

- 5.3 As expressed above, the Terms of Reference must be considered in the context of Operation Herne, which was set up to investigate the SDS. Despite this, there has been some natural merging of the investigation into the broader realms of policing and more specifically Special Branches, both within the MPS and externally. This report will therefore contain information which will not be directly associated to the SDS, however it is not within the remit or resources of Operation Reuben to pursue all of these avenues. Therefore, it is expected that any findings not related to the SDS which require further investigation will be referred back to the MPS or a relevant external body.

6 Significant Organisations & People

6.1 The Special Demonstration Squad (SDS):

This unit was formed in 1968 by the MPSB in response to mass violent Anti-Vietnam War demonstrations in Grosvenor Square, London at the request of the Home Office. Over the SDS' 40 year existence, their role was to assimilate themselves with the protesters and report back on the tactics used by demonstrators, identifying core participants and estimating numbers expected at particular events. The unit's remit expanded to incorporate both extreme ends of the political spectrum and Animal Rights campaigns.

6.2 Blacklist Support Group (BSG)

The BSG was established to pursue claims against the member companies and protect the rights of its members.

6.3 Economic League (EL)

The original "Blacklisting" organisation in the UK. Amongst other functions, EL maintained records on individuals deemed to be non-conductive to the economic well-being and growth of the UK, the so-called Blacklist. Their information was provided by a mixture of open source material (newspapers etc.), subscriber companies, union representatives and industrial espionage.

6.4 Corporate Asset Protection and Risk Management (CAPRiM)

CAPRiM was set up on the closure of the EL by 2 of its former managers. It monitored and reported on threats to industry.

6.5 The Consulting Association (TCA)

TCA was another offshoot from the closure of EL. Focussing on the Construction Industry, it provided a central reference service (the Blacklist), Industry meetings and a press collation service.

Appendix
Reference:

6.6 Information Commissioner's Office (ICO)

The ICO led the prosecution of TCA for breaches of the Data Protection Act. They have a duty to uphold information rights by promoting good practice, ruling on complaints, providing information to individuals and organisations and taking appropriate action when the law is broken.

6.7 Special Branch (SB)

Each individual police authority operated a Special Branch to act as the intelligence unit for political and terrorist activities affecting the UK.

6.8 Metropolitan Police Special Branch (MPSB/SO12)

The largest SB unit in the UK, disbanded in 2006 upon a merger with the Anti Terrorist Unit.

6.9 Anti Terrorist Unit (SO13)

The MPS' investigative unit for political and terrorist activities affecting London and the UK. Disbanded in 2006 upon a merger with Special Branch.

6.10 Metropolitan Police Service Counter Terrorism Command (SO15)

Formed in 2006 by amalgamating the functions of SO12 & SO13.

6.11 MPSB Industrial Unit

Formed in 1970 to monitor growing industrial unrest, officers from the Industrial Unit used various methods to report on the whole range of working life, from teaching to the docks. This included collating reports from other units (from uniform officers to the SDS), attending conferences and protests personally, and also developing well-placed confidential contacts from within the different sectors. There is no knowledge or record of the Industrial Unit using undercover officers.

6.12 Special Branch Records (SBR) now Information Management and Operational Support (IMOS)

IMOS is a department of SO15, previously known as Special Branch Records (SBR). They store, file and reference all reports compiled by SO15/SB for the MPS.

6.13 National Domestic Extremism Unit (NDEU) now National Domestic Extremism and Disorder Intelligence Unit (NDEDIU)

The National Domestic Extremism Unit was formed as part of ACPO, to coordinate divergent strands of Domestic Extremism investigation and intelligence work.

6.14 National Extremism Tactical Coordination Unit (NETCU)

NETCU performed a Liaison role with different contacts from the Life Sciences sector, Oil, Gas and Energy, Banking, Commerce, Farming as well as other Government Agencies that connect with Industry affected by extremism. NETCU was dissolved upon reintegration into the MPS; however a similar Liaison Unit was set up within the NDEU/NDEDIU.

6.15 The Centre for the Protection of National Infrastructure (CPNI)

CPNI carries out work on protective security to reduce the vulnerability of the national infrastructure to terrorism and other threats.

6.16 Scottish Affairs Select Committee (SASC)

SASC are a committee of MPs appointed to examine the expenditure, administration and policy of the Scotland Office and its associated public bodies. They work principally by undertaking inquiries, choosing their own subjects and seeking evidence from a wide range of groups and individuals with relevant interests and experience. They produce reports setting out their findings and making recommendations to the Government.

6.17 **Imran Khan and Partners (IKP) incorporating Christian Khan and partners Solicitors (CKS).**

IKP, a law firm specialising in civil liberties, is currently representing the BSG with regards to its complaint against the police.

13

6.18 **SO15's Operation Fairway Engagement Team.**

Liaising with all sectors of industry and the community, they deliver counter-terrorism briefings to raise awareness of suspicious activity and encourage reporting to the Anti-Terrorist Hotline

14

6.19 **Fire Brigade Union. (FBU)**

Due to claims made by Peter Francis that he reported on FBU members at protests they have been awarded core participant status in the current public inquiry into Undercover Policing.

6.20 **National Union of Mineworkers. (NUM)**

The NUM have been awarded core participant status in the current public inquiry into Undercover Policing, based on historic information suggesting that they were also subject to undercover reporting, especially during the 1980s strikes.

6.21 **Union of Construction, Allied trades and Technicians (UCATT)**

UCATT have been awarded core participant status in the current public inquiry into Undercover Policing due to the number of its members involved in the claims.

6.22 **Peter Francis**

Former MPSB officer, Francis has been responsible for the majority of revelations within the press, having formed a working relationship with Guardian journalists. Francis was a member of the SDS from 1993 until 1997. [REDACTED]

Francis has been awarded core participant status in the current public inquiry into Undercover Policing.

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Appendix Reference

6.23

██████████
Former MPSB officer, ██████████ was named in the press as a potential SDS undercover officer with links to left wing and Republican organisations through a campaigning centre, the **Colin Roach Centre (CRC)**. The revelations also link ██████████ to Union and workers rights activity, such as the BWG and the **Brian Higgins Defence Committee**. It is alleged that information ██████████ collected has appeared on the Blacklist.

6.24 **Ian Kerr**

Kerr joined the EL in the 1960s as a trainer. He then ran the organisation's Services Group from 1972 until the EL's closure in 1993. At that point he started The Consulting Association, acting as its Managing Director until its closure in 2009.

6.25

██████████
██████████ was an ██████████ who worked for ██████████ years in total. In this position, ██████████ regularly used both EL and TCA.

6.26

██████████
Named as a representative of ██████████ provided an alternative view of the industry to that of ██████████ making little use of the EL or TCA, and having no collaborative relationship with the police. Although ██████████ freely spoke to Operation Herne, ██████████ failed to respond to attempts to get him to sign a statement.

6.27

██████████
A former ██████████ and ██████████ who started to campaign against ██████████ supposed blacklisting in 2008. ██████████ was instrumental in kick-starting the ICO's investigation. ██████████ has been awarded core participant status in the current public inquiry into Undercover Policing.

Appendix
Reference

6.28

██████████ is a key figure in the fight for the rights of those deemed to have been blacklisted. ██████████ has an extensive Blacklist record and has been awarded core participant status in the current public inquiry into Undercover Policing.

6.29

██████████ was linked directly to Undercover Officer ██████████ in the 1990s, ██████████ has been awarded core participant status in the current public inquiry into Undercover Policing, due to ██████████ links to Trade Unions.

6.30

██████████ A key member of the BSG and former activist for the **Socialist Party**, including its Away Team, ██████████ is reported on by numerous SDS officers. ██████████ has been awarded core participant status in the current public inquiry into Undercover Policing.

6.31

██████████ A named complainant from the BSG, ██████████ is mentioned by Peter Francis as a subject he reported on in relation to his political activism and relationship with ██████████ was also one of the subjects mentioned in a contentious Blacklist report about ██████████ being stopped by police near ██████████ has been awarded core participant status in the current public inquiry into Undercover Policing.

6.32

██████████ A Socialist Party activist, ██████████ had a minimal Blacklist record, but has made a public complaint following Peter Francis' claim that he reported on ██████████ has been awarded core participant status in the current public inquiry into Undercover Policing.

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6.33

[REDACTED]
A [REDACTED] and **Transport and General Workers Union (TGWU)** activist, [REDACTED] had an extensive Blacklist record [REDACTED]. [REDACTED] is also linked to the [REDACTED] incident. [REDACTED] has been awarded core participant Status in the current public inquiry into Undercover Policing.

6.34

[REDACTED]
A [REDACTED] **Maritime and Transport Union (RMT)** activist, [REDACTED] was also linked to the **Socialist Party Away Team**. [REDACTED] is also linked to the [REDACTED] incident. [REDACTED] has been awarded core participant Status in the current public inquiry into Undercover Policing.

7 Chronology of Events

- 7.1 **October - November 2002:** the BBC aired a series of programmes under the title 'True Spies', covering the use of Special Branch activity, undercover operatives and surveillance by organisations throughout the UK, including the police. In the programme, the police are linked to the Economic League through undercover reporting.
- 15 7.2 **June 2008:** The Guardian Newspaper published an article (**Enemy At The Gates, 26/06/2008**) in which a former construction industry manager admitted to blacklisting individuals. He stated that he believed Private Investigators sold lists of workers and when identifying potential staff for new contracts, a third party known to him as Ian Kerr, would be faxed all of the details to check against his "Blacklist".
- 7.3 This article directly led to the ICO's investigation into the flow of information between certain companies, identifying a chain of correspondence which indicated the existence of a covert Blacklist and ultimately led them to execute a warrant at the offices of TCA.
- 16 7.4 The ICO identified that the Blacklist contravened several principles of the Data Protection Act 1988:
- 1 & 2:** information was placed on the list without the knowledge of the individuals.
 - 3:** the adequacy of the information was unchecked.
 - 4:** the accuracy of the information was unchecked.
 - 5:** the duration information was kept for was unknown.
 - 6:** the very fact the list was maintained in a covert manner rendered it impossible for individuals to assert their DPA rights.
 - 17:** TCA had no entry on the data protection register.

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Reference:

- 7.5 **April 2009:** The ICO seized and retained the blacklist and linked index cards: these formed the basis of their prosecution of Mr. Kerr.
- 7.6 **May 2009:** TCA's Ian Kerr pleaded guilty to running an illegal blacklisting service on building workers. He was fined the maximum amount possible at that time of £5000. Fourteen of the subscribing companies were also issued with enforcement notices as a result of this case.
- 7.7 Following the trial of Mr. Kerr, the ICO formulated a plan to contact those affected, although this was hampered by inaccuracies within the files. They therefore worked with unions and employed an external contractor to research the names on the list and make contact with those identified, with a view to allowing individuals to peruse and comment on their personal file, before deciding what action to take.
- 17 7.8 **August 2009:** The BSG was founded by Dave Smith, with the backing of **John McDonnell MP**, to coordinate and promote the campaign.
- 18 7.9 **March 2010:** 02/03/2010, the Labour Government released new regulations, outlawing the compilation, dissemination and use of blacklists. <http://www.legislation.gov.uk/ukdsi/2010/9780111491041>
- 19 7.10 **March 2011:** Anti-Blacklisting protestors disrupted delivery traffic to the Olympic Construction site, in what is believed to be the first large scale protest of the group.
- 20 7.11 **September 2011:** Dave Smith's Industrial Tribunal begins, with evidence given by the ICO's Senior Investigator, [REDACTED]
- 21 7.12 **April 2012:** The MPS was confronted with these allegations when **George Howarth MP** contacted **Commissioner Hogan-Howe** regarding a complaint he had received from a constituent affected by 'Blacklisting'. This was passed to SO15, who instigated **Operation Creel**.

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Reference:

- 7.13 **June 2012:** On 27/06/2012, The SASC commenced an inquiry into Blacklisting in Employment. This has been conducted via a series of public hearings, where key individuals have provided written and oral evidence. At no point to date, has a member of the police service been called to give evidence.
- 7.14 **July 2012:** The BSG, through their lawyers **Guney Clark & Ryan** solicitors served a claim on behalf of 86 claimants for 'Tort of unlawful conspiracy' at the High Court.
- 7.15 **August 2012:** After several basic searches, Operation Creel was closed by **Commander Richard Walton** as it was concluded that there were a number of alternative sources for such information, combined with little evidence of any SO15/MPSB involvement.
- 7.16 In his report to the Commissioner's staff officer, **Commander Allan Gibson** (now retired), Commander Walton made a recommendation that any further investigation would be more suited to the **Directorate of Professional Standards (DPS)** but for an unknown reason, this was not pursued at the time.
- 7.17 **November 2012:** On 15 November 2012, CKS lodged their complaint with the IPCC on behalf of the BSG.
- 7.18 **November 2012:** On 27/11/2012, Ian Kerr, the former managing director of TCA gave evidence to SASC on his involvement in Blacklisting.
- 7.19 **December 2012:** The complaint was initially dismissed by the MPS as unsuitable for the complaints procedure under the **Police Reform Act 2002** due to a lack of a specific allegation involving a Metropolitan Police officer and the wide range of potential sources for such information. The responding officer, **PS [REDACTED]** suggested that the BSG report any suspected breaches of the **Data Protection Act 1998** as a crime

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7.20 **January 2013:** CKS appealed this decision in a letter to the IPCC dated 30/01/2013 in which they claimed to have documents which in their view: *"support their complaint that confidential information held by the Consulting Association must have emanated from the Metropolitan Police Service"*.

7.21 CKS added that they believed an individual identified as a former police officer and member of the SDS in an **Observer Newspaper** report from 14/03/2010, **Officer A** (later found to be *Peter Francis*), was responsible for some of this disclosure. They reinforced their claim with a quote from the Information Commissioner's Office's Investigations Manager, David Clancy, taken from the Observer on 03/10/2012: *"the information was so specific and it contained in effect operational information that would not have formed anything other than a police record"*.

24

7.22 **January 2013:** 23/01/2013, **Mr Chuka Umunna, Shadow Secretary of State for Business, Innovation and Skills** raised the subject of Blacklisting in a debate in the House of Commons.

7.23 **February 2013:** On 04/02/2013 the IPCC's [REDACTED] ruled that the MPS had failed to record the allegation appropriately and was wrong to dismiss the complaint. [REDACTED] referred the investigation to Senior Investigating Officer [REDACTED] and directed that this be an IPCC 'Supervised' Investigation.

See 9

7.24 **February 2013:** Former directors of the Economic League, **Jack Winder** and **Stan Hardy** gave evidence to SASC.

7.25 **March 2013:** 11/03/2013 **Big Issue in the North** published an article by left-wing activist **Mark Metcalf**. This piece links [REDACTED] to a campaigning network in Hackney, called the CRC, through which Jenner is alleged to have had links to numerous campaigns, including the BWG. The BWG were involved in the defence of workers allegedly victimised by the construction industry. The article also suggests that Jenner's involvement in the CRC magazine **"Revolutions Per Minute" (RPM)** was linked to extracts from it appearing on TCA files.

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7.26 **May 2013:** The IPCC's [REDACTED] decided that primacy for an investigation should return to the MPS, and as such, the IPCC designated Operation Reuben a Local Investigation.

See 7

7.27 **August 2013:** The Guardian published an article citing Peter Francis, alleging that he gathered information which ultimately appeared on the TCA Blacklist. Specific examples of this include the cases of [REDACTED] and [REDACTED] and details of a group stopped on a protest near the Cenotaph in 1999.

7.28 **March 2015:** 12/03/2015 the **Home Secretary, Theresa May** announced that a public inquiry would be held into Undercover Policing, led by **Lord Justice Christopher Pitchford**.

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7.29 **March 2015:** 27/03/2015, SASC released their Final Report for that session of Parliament. In it, they recommended that further investigation should be undertaken by their successors into the role of the Police and Security Services. To date, this has not been taken up by the new parliament's committee.

26

7.30 **July 2015:** 16/07/2015, Ms May announced the Terms of Reference for the inquiry.

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7.31 **October 2015:** 07/10/2015, the Core Participants for the inquiry were announced, including people linked to Blacklisting. , Blacklisting has been incorporated into the inquiry as Category E, with core participant groups including the BSG and Trade unions such as the Fire Brigade Union (FBU) and the National Union of Mineworkers (NUM). The FBU are being represented by Thompsons whilst the NUM's representative is Birnberg Peirce and Partners.

8 Media Interest and Revelations

- 8.1 A number of revelations have been released via the media. For more detail, please see the appendix, however a summary follows:

8.1 **Television:**

Numerous documentaries have been broadcast covering the topic of Blacklisting, including:

BBC's Panorama (Blacklist Britain, aired 13/06/2013)

BBC's True Spies, (aired October and November 2002), and

ITV's World In Action: Boys on the Blacklist (aired February 1987).

8.2 **Publications:**

The Guardian has spearheaded the journalistic campaign against Blacklisting, in conjunction with their work on undercover policing. They have utilised self declared former undercover officer Peter Francis as a major source of information. Other newspapers and magazines have also included reports on linked issues.

8.3 **Books:**

Blacklisted: the Secret War between Big Business and Union Activists (New Internationalist, 2015, ISBN 978-1-78026-257-4) is the most comprehensive collection of material on the subject. Written by Blacklist Support Group leader, Dave Smith and investigative journalist **Phil Chamberlain**.

8.4 **Social Media:**

There are numerous internet sites dedicated to this issue. The BSG has its own Facebook page and Twitter account. The most vocal and active advocate of the campaign appears to be Dave Smith who contributes to numerous sites, whilst running his own pages.

- 8.5 Copies of relevant material with further elaboration are contained in the Appendices.

9 Political Interest

- 9.1 A number of political figures have commented publicly on the issue.
- 9.2 The Scottish Affairs Select Committee has led an investigation into Blacklisting. At the end of the last parliament in March 2015, they published a report covering their findings to date: this included a reference to the fact that they had neglected to investigate allegations surrounding police collusion and as such, any further inquiry should incorporate this.

10 Legal Parameters

- 10.1 The complaint by CKS has cited only the 1998 Data Protection Act. However, due to the timescales covered by the organisations involved and in the spirit of transparency, Operation Reuben has considered the potential offences under both the 1998 and 1984 acts.
- 10.2 Despite receiving royal assent on 12th July 1984, the first act did not come into full effect until 11th November 1987. In a similar vain, the 1998 act came into force on 1st March 2000.
- 10.3 The Directorate of Legal Services (DLS) and Directorate of Information (DoI) have been consulted with regard to the legal situation over the relevant years.

11 Investigation

11.1 Christian Khan and Partners Solicitors Complaint

11.1.1 The initial complaint made to the MPS is as follows:

"police, security services, undercover officers, members of Special Branch and/or members of the Special Demonstration Branch (sic) and/or National Public Order Intelligence Unit supplied information to the Blacklist funded by the country's major construction firms, the Consulting Association and/or other agencies in breach of the Data Protection Act 1998 (DPA) and contributed to keeping thousands of people, including members of Blacklist Support Group, out of work. It is believed the police forces involved are the Metropolitan Police Service and the Strathclyde Police."

11.1.2 The scope of this allegation is vast. Therefore, as per the Terms of Reference, Operation Reuben has concentrated its resources on the involvement of the SDS.

11.1.3 Despite this, there is natural cross-over into general policing and SB duties, due to the recording of the public's interaction with the police, and the SDS' use of SO12 and SO15's intelligence records.

11.1.4 Research has shown numerous areas of concern, including:

1. Inappropriate contact of SB officers with private organisations
2. DC [REDACTED] from the MPS' 1988 disclosure
3. DC [REDACTED] from Lancashire Constabulary's 1989 disclosure
4. DS [REDACTED] from Lancashire Constabulary's 1989 disclosure

11.1.5 Points 2-4 are discussed in the section regarding Chris Mullins' statement.

Appendix
Reference

29

11.1.6 Point 1 refers to the contact between officers of MPSB's Industrial Unit and organisations such as the Economic League and private organisations.

11.1.7 The only documented incident of this found by Operation Reuben, occurred in 1978. On this occasion, it was identified that (erroneous) information emanating from Special Branch had resulted in an individual being refused work.

11.1.8 [REDACTED] union activist applied for a role with a television company involved in making educational videos. The company also produced work for the construction industry, and as part of the recruitment process, [REDACTED] name was passed to the Economic League to be checked. The EL representative identified [REDACTED] as a left-wing sympathiser and therefore decided to contact MPSB's Industrial Unit, due to the perceived risk of [REDACTED] involvement in education.

11.1.9 The receiving officer's initial enquiries revealed a potential link to the [REDACTED] which in his opinion had not been resolved satisfactorily. Amongst other strands of investigation, he returned to the EL asking for any further information, stressing the matter's importance due to the possible link to terrorism. This was recorded as fact by the EL representative and passed on to the prospective employer. [REDACTED] was initially denied employment as a direct result of the information, being informed that it was due to [REDACTED] being "Blacked by the security people".

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11.1.10 Fortunately [REDACTED] was a retired [REDACTED] Chief Superintendent who made inquiries on [REDACTED] behalf at senior levels. A thorough internal investigation was conducted and the issue corrected. Consequently, Special Branch standing orders were re-circulated, which show that policy restricted contact with any such organisations and forbade searching for and sharing of information with "commercial organisations".

- 11.1.11 Evidence also exists of Special Branches' legitimate widespread involvement with private organisations and institutions, again mainly through MPSB's Industrial Unit and their regional counterparts.
- 11.1.12 These officers maintained relationships with key figures from all sectors of the working world who provided insight into issues affecting their specific areas, both professionally and geographically. Some of these people would have been considered to be Sources, whilst others were simply referred to as "Contacts". The individual officers closely guarded the identity of these people, and thus retained a sense of ownership.
- 11.1.13 An individual's reasons for providing information to the police differ for each person; ranging from a desire to assist with national security to personal advancement within a group.
- 11.1.14 The introduction of the **Regulation of Investigatory Powers Act 2000 (RIPA)** changed Source Handling, with strict registration and monitoring criteria enforced throughout the police service. Only specifically trained officers are sanctioned to perform these roles, and contact is closely monitored.
- 11.1.15 Under the 2000 Act, a person is a **Confidential Human Information Source (CHIS)** if:
- (a) they establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c);
 - (b) they covertly use such a relationship to obtain information or to provide access to any information to another person; or
 - (c) they covertly disclose information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

11.1.16 A **Contact** would now be defined as a **Public Volunteer** under **Home Office** guidelines. The information these people provide is without specific prompting or tasking and it is not expected to have been gained via a relationship which has been established or maintained for a covert purpose.

11.1.17 The modern equivalents of MPSB's Industrial Unit would be **Operation Fairway** and the **National Domestic Extremism and Disorder Intelligence Unit (NDEDIU)**'s Industrial Liaison section (please see section 7 for further explanation of these groups). Although operating within ostensibly secret departments, their role is much more open, with officially sanctioned **Information Sharing Agreements (ISAs)** completed for each organisation since 2007. ISAs are agreed when sharing personal information (data) with an outside, non-police organisation to achieve a common aim (i.e. public protection, preventing crime and/or reoffending).

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11.1.18 Operation Herne has found one example of SB's liaison with an external organisation through [REDACTED] worked for several years within the construction industry with roles ranging from [REDACTED] before becoming [REDACTED] for the [REDACTED] project [REDACTED] then took over the wider role of [REDACTED] for the firm.

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11.1.19 [REDACTED] explained the delicate nature of the role on such a high profile project as the [REDACTED] where [REDACTED] was faced with union, sectarian [REDACTED] racist (e.g. BNP and National Front groups) and criminal activity [REDACTED]

11.1.20 The fact that [REDACTED] job brought [REDACTED] into close contact with such disparate factions on a regular basis goes some way to explaining why [REDACTED] might have been considered to be a good source of information for general policing and Special Branch.

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- 11.1.21 [REDACTED] became involved with SB in [REDACTED] gradually expanding [REDACTED] contacts to include officers from around the country until [REDACTED] retirement [REDACTED]
- 11.1.22 [REDACTED] has stated to Operation Herne that [REDACTED] both provided and received information. It has not been possible to isolate reporting from [REDACTED] into SB due to the secrecy involved in contemporary reporting standards. Similarly, [REDACTED] was not able to identify any data which was passed to [REDACTED] by Special Branch officers.
- 11.1.23 It has not been possible to establish any specific breach of the Data Protection Act although on the balance of probabilities information was shared between the police and [REDACTED] prior to [REDACTED] retirement as per paragraph 4.2 above.

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11.1.24 [REDACTED]

11.2 Investigative Procedure for Blacklisting

- 11.2.1 Due to the scale of the Blacklist database (3,213 names), it was decided that a review would be conducted of a sample of entries.
- 11.2.2 The ICO had previously highlighted 12 records which they deemed to be of interest. SO15's Operation Creel had also picked a selection of 8 other records. As they had been picked independently of Operation Herne, it was decided that the 20 records would pose a suitable test batch.
- 11.2.3 Checks were conducted using all available resources to compare the entries on the Blacklist to police records. This included the **Police National Computer (PNC)**, **Criminal Intelligence Plus (Crimint plus)**, **Crime Report Information System (CRIS)**, **Computer Aided Dispatch (CAD)**, **Missing Persons and Related Linked Indices (Merlin)** and **National Special Branch Intelligence System (NSBIS)**.
- 11.2.4 A full schedule identifying the individuals and records held within police, SDS or Special Branch records is attached.
- 11.2.5 12 of the people mentioned had a PNC record, 5 of these entries are shown as having addresses within the MPS at one time, 4 are shown as victims or witnesses on MPS intelligence/crime recording systems. None of the 20 is featured as a suspect for MPS crimes.
- 11.2.6 In total, 3 of the 20 have SB files (1 of whom does not appear to have a PNC record).

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- 11.2.7 The information contained within the files ranges from communication between forces regarding location, to the arrest of one subject on suspicion of murder of [REDACTED]. Information about contemporary employment is included, but there is no reference to a source, further than it being "reliable".
- 11.2.8 There is no evidence to suggest that the SDS were involved in the collection or provision of this information. Although not attributed in the file, due to the nature of the material found (e.g. an application for a job on the [REDACTED] some of the information may have come from industry sources.
- 11.2.9 This data reveals a large proportion coming into contact with the police for a variety of normal reasons. Although at 15% the rate of SB interest appears to be relatively high from such a dip-sample, their interest was for very specific reasons. None of the SB files refer to links with the SDS.

11.3 Chris Mullin's statement

- 35 11.3.1 Mr Mullin was the **Member of Parliament (MP)** for Sunderland South when, on 17th May 1989, he made a statement to parliament to the effect that several police officers had been disciplined for data protection act offences, as a direct result of the World In Action documentary.
- 36 11.3.2 Mr Mullin was unable to provide any further information to assist with this inquiry.
- 37 11.3.3 In order to explore this avenue, Mr. Creedon sent a request to each police authority's Chief Constable to conduct searches to identify any cases which might fit the criteria: Data Protection Act or information sharing offences by police officers between 1987-1989.
- 38 11.3.4 Due to Public Services retention protocols, generally set at 7 years, several areas were unable to provide any records for the era.
- 39 11.3.5 The only records returned, included:
1. DC [REDACTED] from the MPS
 2. DC [REDACTED] from Lancashire Constabulary
 3. DS [REDACTED] from Lancashire Constabulary
 4. PC [REDACTED] from **British Transport Police (BTP)** in **Glasgow**
 5. PC [REDACTED] from BTP in Glasgow
- 11.3.6 Each of these cases was reviewed. Due to a combination of standardised court retention periods and a lack of record keeping within BTP, it has not been possible to identify the BTP officers.
- 11.3.7 Although each of the others reveals improper disclosure of personal information to organisations, none can be linked to the Blacklist.

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11.3.8

The World In Action programme also includes the covert filming of **Alan Harvey**, North East Regional Director of the Economic League based in Skipton, talking openly about police collusion, whilst also warning that such activity is illegal. Harvey specifically mentions a reciprocal relationship with Special Branch officers where the EL provides information to them, and they in turn "are not unfriendly back". These revelations led to an investigation by the home force, **North Yorkshire Police**, which concluded that there were no detrimental findings and the claims were dismissed. The show's reporters insinuate that this was a whitewash. Enquiries conducted with North Yorkshire Police show that they have no trace of this report. They stated that they had a 7 year retention policy for paperwork.

11.4 Peter Francis' Allegations: [REDACTED] & [REDACTED]

11.4.1 **Peter Francis:** Francis was initially deployed by the SDS in 1993 to target a violent student group attached to a North London college. His involvement quickly led to him becoming linked to the Socialist Workers' Party youth group, *Youth against Racism in Europe (YRE)* and through them he [REDACTED] to infiltrate Militant Labour (ML). [REDACTED]

11.4.2 For the first half of his deployment, his reporting was highly valued by the Police [REDACTED] led to a reduction in the requirement for such intelligence. Therefore, a decision was made to conclude Francis' deployment and he left the field in August 1997.

11.4.3 It is apparent that Francis considered this to be a retrograde step and his reporting diminished greatly from that point onwards. He then embarked on an unapproved, self-styled exit strategy, which reportedly involved [REDACTED] and other members of his target group [REDACTED] before being located in [REDACTED] and convinced to return to the fold. However, no documentary evidence of this has been found to date.

11.4.4 [REDACTED]

11.4.5 [REDACTED]

11.4.6 Francis approached the Guardian in 2010, providing their reporter Phil Chamberlain with an extensive interview. Although initially referred to as Officer A, He revealed his identity in June 2013, with a Channel 4 Dispatches interview, numerous press articles and his contributions to the book, *Undercover*. Through these media, he has revealed undercover methodology and made numerous allegations, including breaches of human rights, along with disciplinary and criminal offences.

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11.4.7 **August 2013:** Francis stated that he had provided the information about left wing activists [REDACTED] and [REDACTED] which later appeared on the Blacklist.

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11.4.8 The Consulting Association's record is explained on [REDACTED] file, with a note registered on 17/06/1999 (**two years after Francis' deployment ceased**), which reads: [REDACTED]
[REDACTED] record simply refers to [REDACTED] There is no provenance for that specific report, although there are 2 more reports for June 1999, the first of which is linked to [REDACTED] with the initials [REDACTED] which is believed to be [REDACTED] employee, [REDACTED]
[REDACTED]

11.4.9

[REDACTED]

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11.4.10

[REDACTED]

11.4.11

[REDACTED]

11.4.12

[REDACTED]

11.4.13



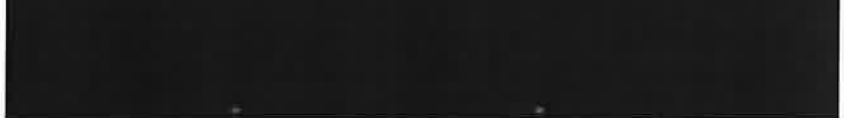
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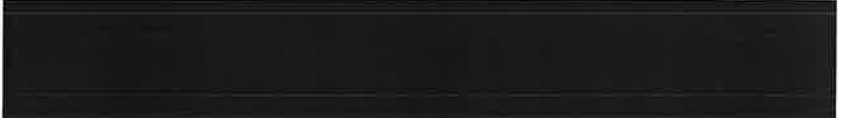
11.4.15



11.4.16



11.4.17



11.4.18



11.4.19



sparking a
request for a comprehensive report to be written.